

HOUSE BILL 1190

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2004 Regular Session
4r2592
CF 4r2659

By: **Delegates Mandel, Benson, Boteler, Boutin, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, McDonough, McHale, Murray, Nathan-Pulliam, Oaks, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon**

Introduced and read first time: February 13, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Assisted Living Managers - Training**
3 **Requirements**

4 FOR the purpose of requiring certain individuals employed by certain assisted living
5 programs, by a certain date, to complete a manager training course and certain
6 continuing education that meets certain requirements; subjecting an assisted
7 living program to a certain civil money penalty under certain circumstances;
8 exempting certain individuals from certain training requirements; authorizing
9 the Department of Health and Mental Hygiene to require certain individuals to
10 take a certain training course under certain circumstances; authorizing an
11 assisted living program to request an extension of a certain time period for
12 complying with certain requirements; requiring the Department to ensure that
13 certain programs are affordable and accessible; requiring the Department, in
14 consultation with certain organizations, to develop certain guidelines; and
15 generally relating to training requirements for assisted living managers.

16 BY adding to
17 Article - Health - General
18 Section 19-1807
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Health - General**

24 19-1807.

25 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, BY
26 JANUARY 1, 2006, AN ASSISTED LIVING MANAGER WHO IS EMPLOYED BY AN ASSISTED
27 LIVING PROGRAM THAT IS LICENSED FOR 17 OR MORE BEDS SHALL HAVE

1 COMPLETED A MANAGER TRAINING COURSE THAT IS APPROVED BY THE
2 DEPARTMENT AND INCLUDES AN EXAMINATION.

3 (2) THE MANAGER TRAINING COURSE:

4 (I) SHALL CONSIST OF AT LEAST 80 HOURS;

5 (II) MAY REQUIRE ATTENDANCE OR PARTICIPATION AT TRAINING
6 PROGRAMS THAT PROVIDE FOR DIRECT INTERACTION BETWEEN FACULTY AND
7 PARTICIPANTS; AND

8 (III) SHALL AUTHORIZE A MAXIMUM OF 25 HOURS OF TRAINING
9 THROUGH INTERNET COURSES, CORRESPONDENCE COURSES, TAPES, OR OTHER
10 TRAINING METHODS THAT DO NOT REQUIRE DIRECT INTERACTION BETWEEN
11 FACULTY AND PARTICIPANTS.

12 (B) AN ASSISTED LIVING MANAGER EMPLOYED IN A PROGRAM THAT IS
13 LICENSED FOR 17 OR MORE BEDS SHALL BE REQUIRED TO COMPLETE 20 HOURS OF
14 DEPARTMENT-APPROVED CONTINUING EDUCATION EVERY 2 YEARS.

15 (C) IN ADDITION TO THE SANCTIONS SPECIFIED IN COMAR 10.07.14.48, AN
16 ASSISTED LIVING PROGRAM THAT FAILS TO EMPLOY AN ASSISTED LIVING MANAGER
17 WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY BE SUBJECT TO A CIVIL
18 MONEY PENALTY NOT TO EXCEED \$10,000.

19 (D) (1) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION DO NOT
20 APPLY TO AN INDIVIDUAL WHO:

21 (I) IS EMPLOYED BY AN ASSISTED LIVING PROGRAM AND HAS
22 ENROLLED IN A DEPARTMENT-APPROVED MANAGER TRAINING COURSE THAT THE
23 INDIVIDUAL EXPECTS TO COMPLETE WITHIN 6 MONTHS;

24 (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
25 IS TEMPORARILY SERVING AS AN ASSISTED LIVING MANAGER, FOR NO LONGER THAN
26 45 DAYS, DUE TO AN ASSISTED LIVING MANAGER LEAVING EMPLOYMENT AND PRIOR
27 TO THE HIRING OF A PERMANENT ASSISTED LIVING MANAGER; OR

28 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:

29 1. HAS BEEN EMPLOYED AS AN ASSISTED LIVING MANAGER
30 IN THE STATE FOR 1 YEAR PRIOR TO JANUARY 1, 2006; OR

31 2. IS LICENSED AS A NURSING HOME ADMINISTRATOR IN
32 THE STATE.

33 (2) THE DEPARTMENT MAY REQUIRE AN INDIVIDUAL WHO IS EXEMPT
34 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION TO COMPLETE A MANAGER
35 TRAINING COURSE AND EXAMINATION IF THE DEPARTMENT FINDS THAT THE
36 ASSISTED LIVING MANAGER REPEATEDLY OR INTENTIONALLY HAS VIOLATED STATE

1 LAW OR REGULATIONS ON ASSISTED LIVING AND THAT THOSE VIOLATIONS HAVE
2 CAUSED ACTUAL PHYSICAL OR EMOTIONAL HARM TO A RESIDENT.

3 (3) AN ASSISTED LIVING PROGRAM MAY REQUEST AN EXTENSION FROM
4 THE DEPARTMENT TO ALLOW AN INDIVIDUAL TO SERVE AS AN ASSISTED LIVING
5 MANAGER FOR LONGER THAN 45 DAYS IF THE ASSISTED LIVING PROGRAM HAS
6 SHOWN GOOD CAUSE FOR THE EXTENSION.

7 (E) THE DEPARTMENT SHALL ENSURE THAT MANAGER TRAINING COURSES
8 APPROVED BY THE DEPARTMENT ARE AFFORDABLE AND ACCESSIBLE TO ASSISTED
9 LIVING PROGRAMS AND TO INDIVIDUALS SEEKING CERTIFICATION AS AN ASSISTED
10 LIVING MANAGER.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
12 Health and Mental Hygiene shall, in consultation with assisted living managers,
13 health care professionals who have expertise in providing assisted living care,
14 Mid-Atlantic LifeSpan, the Health Facilities Association of Maryland, the
15 Alzheimer's Association, and other interested parties, develop core topics and
16 guidelines to be used by organizations in developing an assisted living manager
17 training course and examination.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2004.